

Notice of Allowability

Application No.

10/659,324

Applicant(s)

SORENSEN, BIRGER

Examiner

Louise Humphrey, Ph.D.

Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the petition decision on 31 May 2007.
2. ☒ The allowed claim(s) is/are 45, 47, 50-61 and 66.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>4/24/2007</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Sujatha Vathyam on 22 June 2007.

Claims 45, 47, 50-61 and 66 are allowed.

Please cancel claims 16-33, 35, 37-44, 49 and 62-65.

The application has been amended as follows:

- 45. An isolated peptide consisting of SEQ ID NO:18.
- 50. The peptide of claim 45, wherein the terminal ends of the peptide are selected from the group consisting of free carboxyl groups, amino groups, and amides.
- 51. The peptide of claim 45, wherein the peptide is immobilized to a solid support.
- 53. An immunogenic composition for stimulating the immune system of a human to produce an HIV-1 immune response, comprising SEQ ID NO:3 and at least one of the peptides selected from the group consisting of SEQ ID NO:6, SEQ ID NO:11, and SEQ ID NO:18.
- 54. The immunogenic composition according to claim 53, wherein each said peptide consists of up to 50 amino acid residues.
- 55. The immunogenic composition according to claim 53, wherein all of the amino acid residues of said peptide are in the L form.

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56. The immunogenic composition according to claim 53, wherein at least two of said peptides are linked together through an inter- or intra-molecular bond that is a -S-(CH₂)_p-S-bridge or a -(CH₂)_p- wherein p=1-8 optionally intervened by one or more hetero atoms selected from the group consisting of O, N and S.

57. The immunogenic composition according to claim 53, further comprising one or more cytokines.

58. The immunogenic composition according to claim 53, further comprising a granulocyte macrophage growth factor.

59. The pharmaceutical composition according to claim 53, further comprising an adjuvant selected from the group consisting of Monophosphoryl Lipid A, Freund's complete or incomplete adjuvant, and aluminum hydroxide.

60. The immunogenic composition according to claim 53, wherein the ratio of peptides in the composition is 1/1/1/1.

61. The immunogenic composition according to claim 53, wherein the composition is in the form of a sterile sodium chloride solution.

66. The immunogenic composition according to any one of claims 53-61, wherein said composition comprises SEQ ID NO:3, SEQ ID NO:6, SEQ ID NO:11, and SEQ ID NO:18.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louise Humphrey, Ph.D. whose telephone number is 571-272-5543. The examiner can normally be reached on Mon-Fri, 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Louise Humphrey, Ph.D.
Assistant Patent Examiner
June 22, 2007
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BRUCE R. CAMPPELL, Ph.D.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600